

1641
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PTO/SB/21 (02-04)

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/017,788
		Filing Date	December 13, 2001
		First Named Inventor	Nguyen, Quan
		Art Unit	1641
		Examiner Name	Counts
Total Number of Pages in This Submission	3	Attorney Docket Number	002558-064310US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Townsend and Townsend and Crew LLP	
	Joel G. Ackerman	
Signature		
Date	Reg. No. 24,307	
June 15, 2004		

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Typed or printed name	Lois M. Simón		
Signature		Date	June 18, 2004



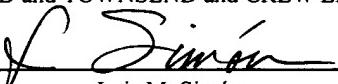
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On: June 18, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: 

Lois M. Simón

PATENT

Docket No.: 002558-064310US
Client Ref. No.: BRP00097

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Quan NGUYEN et al.
Application No.: 10/017,788

Filed: December 13, 2001

For: STANDARD DILUENT FOR
MULTIPLEX ASSAYS

Examiner: Counts

Art Unit: 1641

RESPONSE AND ELECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Requirement for Restriction dated May 28, 2004, Applicants elect to prosecute the claims of Group I, with traverse with respect to the requirement for restriction between claims of Groups I and III.

Claims of Group I are directed to kits comprising a standard diluent comprising a biological fluid that normally includes two or more different target analytes but that is substantially free of these analytes and a predetermined amount of one or more concentrated materials that collectively or separately contain these target analytes.

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PATENT

Claims of Group III are to a process for preparing the standard diluent of the Group I kits.

The claims of each class are indicated as being only in one subclass of the USPTO classification system. The Group III claims are directed to a process for preparing a significant component of the Group I claimed kits. These groups of claims are thus quite closely related. With only two subclasses to be searched, no undue burden is seen.

Applicants respectfully request withdrawal of the requirement for restriction between Groups I and III.

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

Joel G. Ackerman
Reg. No. 24,307

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
JA:ja